

# Exhibit 10

**Blue Spike – Monitoring and Analyzing Signals – U.S. Patent 7,949,494**

**Infringement Claim Chart**

Claim	Audible Magic Copyright Compliance Service
<p><b>1.</b> A system for identifying at least one reference signal comprising:</p>	<p>Audible Magic’s Copyright Compliance Service (“AM’s CCS”) employs Audible Magic’s Automatic Content Recognition (ACR) technology (“a system”) for identifying copyrighted digital content (“at least one signal”) in order to ensure copyright compliance, and therefore infringes U.S. Patent 7,949,494 either literally or by the doctrine of equivalents.</p> <p><b><u>Audible Magic’s Copyright Compliance Service enables media sharing platforms to identify registered copyrighted content, ensure copyright compliance,</u></b> and create new ways to monetize digital media.</p> <p><b>The Industry Standard</b></p> <p>For an operator, maintaining copyright compliance is key to running a successful media sharing platform. <b>Audible Magic’s Compliance Service is recognized as the industry standard for copyright compliance</b> and often the prerequisite for licensing of premium content.</p> <p><b>Quickly &amp; Accurately Identify Media</b></p> <p><b>Using Audible Magic’s Compliance Service, operators can <u>check uploaded media for copyrighted content within seconds and achieve identification rates of 99 percent or higher for registered content with virtually zero false positives.</u></b> Because Audible Magic’s automatic content recognition technology is based upon perceptual characteristics, identification is effective even with different file formats, codecs, and compression techniques, as well as with time-scaling and other transformations to the content.</p> <p>See Exhibit 2, Audible Magic’s “Copyright Compliance” webpage, <a href="https://www.audiblemagic.com/compliance-service/">https://www.audiblemagic.com/compliance-service/</a>, as visited on April 1, 2014 (emphasis added).</p> <p><b>User Generated Content Services</b></p> <p>Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more willing to license content and help you monetize your services when you implemented programs that</p>

	<p>respect copyrights. It also helps minimize legal problems.</p> <p><b>Turn to Audible Magic’s turnkey compliance and filtering solutions for highly accurate, automated copyright recognition (ACR) to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology.</b> Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic. This content is included in our Global Rights Registry™ that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content. Audible Magic services are often the prerequisite for licensing content. Enable content substitution, purchase link or allow advertising on user content identified by <b>content identification technology</b>. Add our metadata to enhance the user experience.</p> <p>See Exhibit 1, Audible Magic’s “Solutions – Compliance” webpage, <a href="http://audiblemagic.com/solutions-maincompliance.php">http://audiblemagic.com/solutions-maincompliance.php</a>, as visited on October 7, 2013 (emphasis added).</p>
<p>a first input that receives at least one reference signal to be identified;</p>	<p>AM’s CCS includes an input (it is obvious to anyone skilled in the art that an input must be used to receive content, “a first input”) that receives content (“at least one reference signal”) to be identified.</p> <p><b>Unparalleled Coverage</b></p> <p><b>Content owners from around the globe choose to register their content in Audible Magic’s Global Content Registry for unparalleled coverage and protection.</b> When an operator issues a lookup request using Audible Magic’s Compliance Service, a match occurs against this registry of reference fingerprints for copyrighted content. To date, content owners have registered tens of million of titles making our registry one of the largest in the world.</p> <p>See Exhibit 2, Audible Magic’s “Copyright Compliance” webpage, <a href="https://www.audiblemagic.com/compliance-service/">https://www.audiblemagic.com/compliance-service/</a>, as visited on April 1, 2014 (emphasis added).</p> <p><b>User Generated Content Services</b></p> <p>Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more willing to license content and help you monetize your services when you implemented programs that respect copyrights. It also helps minimize legal problems.</p> <p>Turn to Audible Magic’s turnkey compliance and filtering solutions for highly accurate, automated</p>

	<p>copyright recognition (ACR) to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology. <b>Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic.</b> This content is included in our Global Rights Registry™ that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content. Audible Magic services are often the prerequisite for licensing content. Enable content substitution, purchase link or allow advertising on user content identified by content identification technology. Add our metadata to enhance the user experience.</p> <p>See Exhibit 1, Audible Magic’s “Solutions – Compliance” webpage, <a href="http://audiblemagic.com/solutions-maincompliance.php">http://audiblemagic.com/solutions-maincompliance.php</a>, as visited on October 7, 2013 (emphasis added).</p> <p><b>Join hundreds of content owners who register their media assets in Audible Magic’s unique Global Content Registry</b> for unparalleled protection and monetization opportunities.</p> <p>See Exhibit 3, Audible Magic’s “Content Registration” webpage, <a href="https://www.audiblemagic.com/content-registration/">https://www.audiblemagic.com/content-registration/</a>, as visited on April 1, 2014 (emphasis added).</p>
<p>a first processor that creates an abstract of each reference signal input to said first processor through said first input wherein the abstract comprises signal characteristic parameters configured to differentiate between versions of said reference signal;</p>	<p>AM’s CCS includes a processor (it is obvious to anyone skilled in the art that a processor is used to execute the technology’s algorithms, “a first processor”) that generates a fingerprint (“creates an abstract”) from each piece of content (“reference signal”) input to it. The fingerprint comprises “perceptual characteristics” (“signal characteristic parameters”) that accurately identify the content (are “configured to differentiate between versions of said reference signal”).</p> <p><b>Unparalleled Coverage</b></p> <p>Content owners from around the globe choose to register their content in Audible Magic’s Global Content Registry for unparalleled coverage and protection. <b>When an operator issues a lookup request using Audible Magic’s Compliance Service, a match occurs against this registry of reference fingerprints for copyrighted content.</b> To date, content owners have registered tens of million of titles making our registry one of the largest in the world.</p> <p>See Exhibit 2, Audible Magic’s “Copyright Compliance” webpage, <a href="https://www.audiblemagic.com/compliance-service/">https://www.audiblemagic.com/compliance-service/</a>, as visited on April 1, 2014 (emphasis added).</p>

	<p><b>Robust SmartID and CopySense Technology</b></p> <p>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses <u>"digital fingerprint-based" technology to accurately identify content using audio signals. Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques.</u> This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p>See Exhibit 4, Audible Magic's "Technology Overview" webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a>, as visited on October 7, 2013 (emphasis added).</p>
<p>at least one reference database for storing at least one abstract;</p>	<p>AM's CCS includes a database called the Global Content Registry ("reference database") for storing the fingerprint of the content ("abstract").</p> <p><b>Unparalleled Coverage</b></p> <p>Content owners from around the globe choose to register their content in <u>Audible Magic's Global Content Registry for unparalleled coverage and protection. When an operator issues a lookup request using Audible Magic's Compliance Service, a match occurs against this registry of reference fingerprints for copyrighted content.</u> To date, content owners have registered tens of million of titles making our registry one of the largest in the world.</p> <p>See Exhibit 2, Audible Magic's "Copyright Compliance" webpage, <a href="https://www.audiblemagic.com/compliance-service/">https://www.audiblemagic.com/compliance-service/</a>, as visited on April 1, 2014 (emphasis added).</p> <p><b>User Generated Content Services</b></p> <p>Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more willing to license content and help you monetize your services when you implemented programs that respect copyrights. It also helps minimize legal problems.</p> <p>Turn to Audible Magic's turnkey compliance and filtering solutions for highly accurate, automated copyright recognition (ACR) to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology. Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic. <b>This content is included in</b></p>

	<p><b>our Global Rights Registry™ that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content.</b> Audible Magic services are often the prerequisite for licensing content. Enable content substitution, purchase link or allow advertising on user content identified by <b>content identification technology</b>. Add our metadata to enhance the user experience.</p> <p>See Exhibit 1, Audible Magic’s “Solutions – Compliance” webpage, <a href="http://audiblemagic.com/solutions-maincompliance.php">http://audiblemagic.com/solutions-maincompliance.php</a>, as visited on October 7, 2013 (emphasis added).</p>
a receiver that receives at least one query signal;	<p>AM’s CCS includes a receiver that receives unknown content (“at least one query signal”) to be identified.</p> <p><b>Quickly &amp; Accurately Identify Media</b></p> <p><b>Using Audible Magic’s Compliance Service, operators can <u>check uploaded media for copyrighted content</u> within seconds and achieve <u>identification rates of 99 percent or higher for registered content with virtually zero false positives</u>.</b> Because Audible Magic’s automatic content recognition technology is based upon perceptual characteristics, identification is effective even with different file formats, codecs, and compression techniques, as well as with time-scaling and other transformations to the content</p> <p>See Exhibit 2, Audible Magic’s “Copyright Compliance” webpage, <a href="https://www.audiblemagic.com/compliance-service/">https://www.audiblemagic.com/compliance-service/</a>, as visited on April 1, 2014 (emphasis added).</p>
a second processor that creates an abstract of said query signal received by said receiver, based on the parameters; and	<p>AM’s CCS includes a processor (it is obvious to anyone skilled in the art that a processor is used to execute the technology’s algorithms, “a second processor”) that generates a fingerprint (“creates an abstract”) from the unknown content (“query signal”) based on the parameters used to create the fingerprint of the monitored content.</p> <p><b>Unparalleled Coverage</b></p> <p>Content owners from around the globe choose to register their content in Audible Magic’s Global Content Registry for unparalleled coverage and protection. <b>When an operator issues a lookup request using Audible Magic’s Compliance Service, a match occurs against this registry of reference fingerprints for copyrighted content.</b> To date, content owners have registered tens of million of titles making our registry one of the largest in the world</p> <p>See Exhibit 2, Audible Magic’s “Copyright Compliance” webpage, <a href="https://www.audiblemagic.com/compliance-">https://www.audiblemagic.com/compliance-</a></p>

	<p><a href="#">service/</a>, as visited on April 1, 2014 (emphasis added).</p> <p><b>Robust SmartID and CopySense Technology</b></p> <p><b>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "digital fingerprint-based" technology to accurately identify content using audio signals. Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques.</b> This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p>See Exhibit 4, Audible Magic's "Technology Overview" webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a>, as visited on October 7, 2013 (emphasis added).</p>
<p>a comparing device that compares the created query signal abstract to the reference signal abstracts in the at least one database, each abstract in the at least one reference database corresponding to a version of a reference signal, to determine whether the query signal abstract matches any of the stored at least one abstract in the at least one reference database.</p>	<p>AM's CCS includes a server or other computer ("a comparing device") that compares the fingerprint created from the unknown content ("created query signal abstract") to the fingerprints in the reference database ("the reference signal abstracts in the at least one database") each abstract in the at least one reference database corresponding to a version of a reference signal, to determine whether the query signal abstract matches any of the stored at least one abstract in the at least one reference database.</p> <p><b>Unparalleled Coverage</b></p> <p>Content owners from around the globe choose to register their content in Audible Magic's Global Content Registry for unparalleled coverage and protection. <b>When an operator issues a lookup request using Audible Magic's Compliance Service, a match occurs against this registry of reference fingerprints for copyrighted content.</b> To date, content owners have registered tens of million of titles making our registry one of the largest in the world</p> <p>See Exhibit 2, Audible Magic's "Copyright Compliance" webpage, <a href="https://www.audiblemagic.com/compliance-service/">https://www.audiblemagic.com/compliance-service/</a>, as visited on April 1, 2014 (emphasis added).</p> <p><b>Robust SmartID and CopySense Technology</b></p> <p><b>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "digital fingerprint-based" technology to accurately identify content using audio signals.</b> Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques. This</p>

	<p>approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p>See Exhibit 4, Audible Magic’s “Technology Overview” webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a>, as visited on October 7, 2013 (emphasis added).</p>
<p>4. The system of claim 1, wherein the reference signals comprise at least one of images, audio, video, and combinations thereof.</p>	<p>As established above, AM’s CCS infringes Claim 1, and the data signals it monitors are audio and video, so therefore it infringes U.S. Patent 7,949,494 either literally or by the doctrine of equivalents.</p> <p><b>User Generated Content Services</b></p> <p>Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more willing to license content and help you monetize your services when you implemented programs that respect copyrights. It also helps minimize legal problems.</p> <p>Turn to Audible Magic’s turnkey compliance and filtering solutions for highly accurate, automated copyright recognition (ACR) to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology. Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic. This content is included in <b>our Global Rights Registry™</b> that contains more than 12 million fingerprints, and <b>represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content</b>. Audible Magic services are often the prerequisite for licensing content. Enable content substitution, purchase link or allow advertising on user content identified by content identification technology. Add our metadata to enhance the user experience.</p> <p>See Exhibit 1, Audible Magic’s “Solutions – Compliance” webpage, <a href="http://audiblemagic.com/solutions-maincompliance.php">http://audiblemagic.com/solutions-maincompliance.php</a>, as visited on October 7, 2013 (emphasis added).</p>
<p>5. The system of claim 1, wherein the stored abstracts are derived from one of a cognitive feature or a perceptible characteristic of the associated reference signals.</p>	<p>As established above, AM’s CCS infringes Claim 1, and the stored reference signal abstracts are derived from “perceptible characteristics” of the associated content (“reference signals”), and therefore AM’s CCS infringes U.S. Patent 7,949,494 either literally or by the doctrine of equivalents.</p> <p><b>Robust SmartID and CopySense Technology</b></p> <p><b>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses</b></p>



	<p><b>"digital fingerprint-based" technology to accurately identify content using audio signals. Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques.</b> This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p>See Exhibit 4, Audible Magic's "Technology Overview" webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a>, as visited on October 7, 2013 (emphasis added).</p>
<p><b>11.</b> A system for analyzing and identifying at least one reference signal, comprising:</p>	<p>Audible Magic's Copyright Compliance Service ("AM's CCS") employs Audible Magic's Automatic Content Recognition (ACR) technology ("a system") for analyzing and identifying copyrighted digital content ("at least one reference signal") in order to ensure copyright compliance, and therefore infringes U.S. Patent 7,949,494 either literally or by the doctrine of equivalents.</p> <p><b><u>Audible Magic's Copyright Compliance Service enables media sharing platforms to identify registered copyrighted content, ensure copyright compliance,</u></b> and create new ways to monetize digital media.</p> <p><b>The Industry Standard</b></p> <p>For an operator, maintaining copyright compliance is key to running a successful media sharing platform. <b>Audible Magic's Compliance Service is recognized as the industry standard for copyright compliance</b> and often the prerequisite for licensing of premium content.</p> <p><b>Quickly &amp; Accurately Identify Media</b></p> <p><b>Using Audible Magic's Compliance Service, operators can <u>check uploaded media for copyrighted content within seconds and achieve identification rates of 99 percent or higher for registered content with virtually zero false positives.</u></b> Because Audible Magic's automatic content recognition technology is based upon perceptual characteristics, identification is effective even with different file formats, codecs, and compression techniques, as well as with time-scaling and other transformations to the content.</p> <p>See Exhibit 2, Audible Magic's "Copyright Compliance" webpage, <a href="https://www.audiblemagic.com/compliance-service/">https://www.audiblemagic.com/compliance-service/</a>, as visited on April 1, 2014 (emphasis added).</p>

	<p><b>User Generated Content Services</b></p> <p>Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more willing to license content and help you monetize your services when you implemented programs that respect copyrights. It also helps minimize legal problems.</p> <p><b>Turn to <u>Audible Magic’s turnkey compliance and filtering solutions for highly accurate, automated copyright recognition (ACR)</u> to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology.</b> Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic. This content is included in our Global Rights Registry™ that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content. Audible Magic services are often the prerequisite for licensing content. Enable content substitution, purchase link or allow advertising on user content identified by <b>content identification technology</b>. Add our metadata to enhance the user experience.</p> <p>See Exhibit 1, Audible Magic’s “Solutions – Compliance” webpage, <a href="http://audiblemagic.com/solutions-maincompliance.php">http://audiblemagic.com/solutions-maincompliance.php</a>, as visited on October 7, 2013 (emphasis added).</p>
<p>a first input for receiving at least one reference signal to be identified,</p>	<p>AM’s CCS includes an input (it is obvious to anyone skilled in the art that an input must be used to receive content, “a first input”) that receives content (“at least one reference signal”) to be identified.</p> <p><b>Unparalleled Coverage</b></p> <p><b>Content owners from around the globe choose to <u>register their content</u> in Audible Magic’s Global Content Registry for unparalleled coverage and protection.</b> When an operator issues a lookup request using Audible Magic’s Compliance Service, a match occurs against this registry of reference fingerprints for copyrighted content. To date, content owners have registered tens of million of titles making our registry one of the largest in the world.</p> <p>See Exhibit 2, Audible Magic’s “Copyright Compliance” webpage, <a href="https://www.audiblemagic.com/compliance-service/">https://www.audiblemagic.com/compliance-service/</a>, as visited on April 1, 2014 (emphasis added).</p> <p><b>User Generated Content Services</b></p> <p>Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more</p>

	<p>willing to license content and help you monetize your services when you implemented programs that respect copyrights. It also helps minimize legal problems.</p> <p>Turn to Audible Magic’s turnkey compliance and filtering solutions for highly accurate, automated copyright recognition (ACR) to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology. <b>Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic.</b> This content is included in our Global Rights Registry™ that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content. Audible Magic services are often the prerequisite for licensing content. Enable content substitution, purchase link or allow advertising on user content identified by content identification technology. Add our metadata to enhance the user experience.</p> <p>See Exhibit 1, Audible Magic’s “Solutions – Compliance” webpage, <a href="http://audiblemagic.com/solutions-maincompliance.php">http://audiblemagic.com/solutions-maincompliance.php</a>, as visited on October 7, 2013 (emphasis added).</p> <p><b>Join hundreds of content owners who register their media assets in Audible Magic’s unique Global Content Registry</b> for unparalleled protection and monetization opportunities.</p> <p>See Exhibit 3, Audible Magic’s “Content Registration” webpage, <a href="https://www.audiblemagic.com/content-registration/">https://www.audiblemagic.com/content-registration/</a>, as visited on April 1, 2014 (emphasis added).</p>
<p>a first processor for creating an abstract of each reference signal received based on perceptual characteristics representative of parameters to differentiate between versions of the reference signal;</p>	<p>AM’s CCS includes a processor (it is obvious to anyone skilled in the art that a processor is used to execute the technology’s algorithms, “a first processor”) that generates a fingerprint (“creates an abstract”) from each piece of content (“reference signal”) input to it. The fingerprint comprises “perceptual characteristics” (“signal characteristic parameters”) that accurately identify the content (are “configured to differentiate between versions of said reference signal”).</p> <p><b>Unparalleled Coverage</b></p> <p>Content owners from around the globe choose to register their content in Audible Magic’s Global Content Registry for unparalleled coverage and protection. <b>When an operator issues a lookup request using Audible Magic’s Compliance Service, a match occurs against this registry of reference fingerprints for copyrighted content.</b> To date, content owners have registered tens of million of titles making our registry one of the largest in the world.</p>

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<p>a reference database for storing abstracts of each reference signal received in a database;</p>	<p>AM’s CCS includes a database called the Global Content Registry (“reference database”) for storing the fingerprint of the content (“abstract”).</p> <p><b>Unparalleled Coverage</b></p> <p><b>Content owners from around the globe choose to register their content in Audible Magic’s Global Content Registry for unparalleled coverage and protection. When an operator issues a lookup request using Audible Magic’s Compliance Service, a match occurs against this registry of reference fingerprints for copyrighted content. To date, content owners have registered tens of million of titles making our registry one of the largest in the world.</b></p> <p>See Exhibit 2, Audible Magic’s “Copyright Compliance” webpage, <a href="https://www.audiblemagic.com/compliance-service/">https://www.audiblemagic.com/compliance-service/</a>, as visited on April 1, 2014 (emphasis added).</p> <p><b>User Generated Content Services</b></p> <p>Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more willing to license content and help you monetize your services when you implemented programs that respect copyrights. It also helps minimize legal problems.</p> <p>Turn to Audible Magic’s turnkey compliance and filtering solutions for highly accurate, automated copyright recognition (ACR) to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our</p>

	<p>digital fingerprinting technology. Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic. <b>This content is included in our Global Rights Registry™ that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content.</b> Audible Magic services are often the prerequisite for licensing content. Enable content substitution, purchase link or allow advertising on user content identified by <b>content identification technology</b>. Add our metadata to enhance the user experience.</p> <p>See Exhibit 1, Audible Magic’s “Solutions – Compliance” webpage, <a href="http://audiblemagic.com/solutions-maincompliance.php">http://audiblemagic.com/solutions-maincompliance.php</a>, as visited on October 7, 2013 (emphasis added).</p>
a second input for receiving at least one query signal to be identified,	<p>AM’s CCS includes an input (it is obvious to anyone skilled in the art that an input must be used to receive the unknown content, “a second input”) that receives unknown content (“at least one query signal”) to be identified.</p> <p><b>Quickly &amp; Accurately Identify Media</b></p> <p><b>Using Audible Magic’s Compliance Service, operators can <u>check uploaded media for copyrighted content within seconds and achieve identification rates of 99 percent or higher for registered content with virtually zero false positives</u>.</b> Because Audible Magic’s automatic content recognition technology is based upon perceptual characteristics, identification is effective even with different file formats, codecs, and compression techniques, as well as with time-scaling and other transformations to the content</p> <p>See Exhibit 2, Audible Magic’s “Copyright Compliance” webpage, <a href="https://www.audiblemagic.com/compliance-service/">https://www.audiblemagic.com/compliance-service/</a>, as visited on April 1, 2014 (emphasis added).</p>
a second processor for creating an abstract of the received query signal based on the parameters;	<p>AM’s CCS includes a processor (it is obvious to anyone skilled in the art that a processor is used to execute the technology’s algorithms, “a second processor”) that generates a fingerprint (“creates an abstract”) from the unknown content (“query signal”) based on the parameters (“perceptual characteristics”) used to create the fingerprint of the monitored content.</p> <p><b>Robust SmartID and CopySense Technology</b></p> <p><b>Audible Magic’s patented SmartID and CopySense automated content recognition (ACR) uses “<u>digital fingerprint-based</u>” technology to accurately identify content using audio signals. Identification is based on the perceptual characteristics of the audio itself which allows it to</b></p>

	<p><b><u>accurately identify content across file formats, codecs, bitrates, and compression techniques.</u></b>  This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p>See Exhibit 4, Audible Magic’s “Technology Overview” webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a>, as visited on October 7, 2013 (emphasis added).</p> <p><b>Unparalleled Coverage</b></p> <p>Content owners from around the globe choose to register their content in Audible Magic’s Global Content Registry for unparalleled coverage and protection. <b>When an operator issues a lookup request using Audible Magic’s Compliance Service, a match occurs against this registry of reference fingerprints for copyrighted content.</b> To date, content owners have registered tens of million of titles making our registry one of the largest in the world</p> <p>See Exhibit 2, Audible Magic’s “Copyright Compliance” webpage, <a href="https://www.audiblemagic.com/compliance-service/">https://www.audiblemagic.com/compliance-service/</a>, as visited on April 1, 2014 (emphasis added).</p>
<p>and a comparing device for comparing an abstract of said received query signal to the abstracts stored in the database to determine if the abstract of said received query signal is related to any of the stored abstracts.</p>	<p>AM’s CCS includes a server or other computer (“a comparing device”) that compares the fingerprint created from the unknown content (“created query signal abstract”) to the fingerprints in the reference database (“the reference signal abstracts in the at least one database”) to determine if they are related.</p> <p><b>Unparalleled Coverage</b></p> <p>Content owners from around the globe choose to register their content in Audible Magic’s Global Content Registry for unparalleled coverage and protection. <b>When an operator issues a lookup request using Audible Magic’s Compliance Service, a match occurs against this registry of reference fingerprints for copyrighted content.</b> To date, content owners have registered tens of million of titles making our registry one of the largest in the world</p> <p>See Exhibit 2, Audible Magic’s “Copyright Compliance” webpage, <a href="https://www.audiblemagic.com/compliance-service/">https://www.audiblemagic.com/compliance-service/</a>, as visited on April 1, 2014 (emphasis added).</p> <p><b>Robust SmartID and CopySense Technology</b></p> <p><b>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses</b></p>

	<p><b>"digital fingerprint-based" technology to accurately identify content using audio signals.</b> Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques. This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p>See Exhibit 4, Audible Magic's "Technology Overview" webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a>, as visited on October 7, 2013 (emphasis added).</p>
<p><b>17.</b> The system of claim 11, wherein at least one abstract comprises data describing a portion of the characteristics of its associated reference signal.</p>	<p>As established above, AM's CCS infringes Claim 11, and at least one abstract is based on perceptual characteristics of the audio content ("comprises data describing a portion of the characteristics of its associated reference signal"), and therefore AM's CCS infringes U.S. Patent 7,949,494 either literally or by the doctrine of equivalents.</p> <p>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "digital fingerprint-based" technology to <u>accurately identify content</u> using audio signals. <b>Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques.</b> This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p>See Exhibit 4, Audible Magic's "Technology Overview" webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a>, as visited on October 7, 2013 (emphasis added).</p>
<p><b>18.</b> The system of claim 17, wherein the characteristics of the reference signal being described comprise at least one of a perceptible characteristic, a cognitive characteristic, a subjective characteristic, a perceptual quality, a recognizable characteristic or combinations thereof.</p>	<p>As established above, AM's CCS infringes Claim 17, and the characteristics of the reference signal being described comprise at least one of a perceptible characteristic, a cognitive characteristic, a subjective characteristic, a perceptual quality, a recognizable characteristic or combinations thereof, and therefore AM's CCS infringes U.S. Patent 7,949,494 either literally or by the doctrine of equivalents.</p> <p><b>Robust SmartID and CopySense Technology</b></p> <p>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "digital fingerprint-based" technology to accurately identify content using audio signals. <b>Identification is based on the <u>perceptual characteristics</u> of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques.</b></p>



	<p>This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p>See Exhibit 4, Audible Magic's "Technology Overview" webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a> (emphasis added).</p>
<p><b>20.</b> The system of claim 11, wherein the system further comprises a security controller for applying a cryptographic protocol to the abstract of said reference signal, said query signal, or both said reference signal and said query signal.</p>	<p>As established above, AM's CCS infringes Claim 11. AM's CCS speed and scalability indicate the use of a security controller for applying a cryptographic protocol to the abstract of said reference signal, said query signal, or both, and therefore AM's CCS infringes U.S. Patent 7,949,494 either literally or by the doctrine of equivalents. Further discovery, including AM's CCS source code, is required.</p> <p>Identification is possible with audio clips as short as 10 seconds. Identification rates are in excess of 99% with zero false positives. <b><u>Transaction requests can achieve sub-second response time, enabling massive scaling, even with reference databases in excess of 1 million hours of content.</u></b></p> <p>See Exhibit 4, Audible Magic's "Technology Overview" webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a>, as visited on October 7, 2013 (emphasis added).</p>
<p><b>21.</b> The system of claim 20, wherein the cryptographic protocol is one of at least a hash or digital signature and further comprising storing the hashed abstract and/or digitally signed abstract in the reference database.</p>	<p>As established above, AM's CCS infringes Claim 20. AM's CCS speed and scalability indicate the use of a security controller for applying a cryptographic protocol, and in particular a hash, to the abstract of said reference signal, said query signal, or both, and therefore AM's CCS infringes U.S. Patent 7,949,494 either literally or by the doctrine of equivalents. Further discovery, including AM's CCS source code, is required.</p> <p>Identification is possible with audio clips as short as 10 seconds. Identification rates are in excess of 99% with zero false positives. <b><u>Transaction requests can achieve sub-second response time, enabling massive scaling, even with reference databases in excess of 1 million hours of content.</u></b></p> <p>See Exhibit 4, Audible Magic's "Technology Overview" webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a>, as visited on October 7, 2013 (emphasis added).</p>
<p><b>22.</b> The system of claim 11, further comprising a transmitter for distributing at least one signal based on the comparison step.</p>	<p>As established above, AM's CCS infringes Claim 11, and further comprises a transmitter for distributing at least one signal based on the comparison step, and therefore AM's CCS infringes U.S. Patent 7,949,494 either literally or by the doctrine of equivalents. For instance, a content owner may allow advertising ("distributing at least one signal") when content is identified ("based on the comparison step").</p> <p><b><u>Enable content substitution, purchase link or allow advertising on user content identified by</u></b></p>



	<p><b><u>content identification technology.</u></b></p> <p>See Exhibit 1, Audible Magic’s “Solutions – Compliance” webpage, <a href="http://audiblemagic.com/solutions-maincompliance.php">http://audiblemagic.com/solutions-maincompliance.php</a>, as visited on October 7, 2013 (emphasis added).</p> <p>Audible Magic Corporation provides content management and anti-piracy services to the media and entertainment industries as well as business, governmental, and educational institutions. The company’s offerings utilize patented content identification technologies and an extensive reference database of audio and video content that includes one of the largest collections of copyrighted digital song recording fingerprints in the world. <b>Its digital technology and services were designed to monitor, track, manage, filter and monetize digital content in all its forms.</b></p> <p>See Exhibit 8, Audible Magic’s “Dailymotion Selects Audible Magic’s Fingerprinting Solution for Detecting Copyrighted Video” news article, <a href="https://www.audiblemagic.com/2007/05/10/dailymotion-selects-audible-magics-fingerprinting-solution-for-detecting-copyrighted-video/">https://www.audiblemagic.com/2007/05/10/dailymotion-selects-audible-magics-fingerprinting-solution-for-detecting-copyrighted-video/</a>, as visited on April 7, 2014.</p>
<p><b>29.</b> A system for determining whether a query signal matches any of a plurality of reference signal, comprising:</p>	<p>Audible Magic’s Copyright Compliance Service (“AM’s CCS”) employs Audible Magic’s Automatic Content Recognition (ACR) technology (“system”) for determining whether unknown content (“a query signal”) matches known copyrighted digital content (“any of a plurality of reference signals”), and therefore infringes U.S. Patent 7,949,494 either literally or by the doctrine of equivalents.</p> <p><b><u>Audible Magic’s Copyright Compliance Service enables media sharing platforms to identify registered copyrighted content, ensure copyright compliance,</u></b> and create new ways to monetize digital media.</p> <p><b>The Industry Standard</b></p> <p>For an operator, maintaining copyright compliance is key to running a successful media sharing platform. <b>Audible Magic’s Compliance Service is recognized as the industry standard for copyright compliance</b> and often the prerequisite for licensing of premium content.</p> <p><b>Quickly &amp; Accurately Identify Media</b></p> <p>Using Audible Magic’s Compliance Service, operators can <b><u>check uploaded media for copyrighted content</u></b> within seconds and achieve identification rates of 99 percent or higher for</p>

	<p><b>registered content with virtually zero false positives.</b> Because Audible Magic’s automatic content recognition technology is based upon perceptual characteristics, identification is effective even with different file formats, codecs, and compression techniques, as well as with time-scaling and other transformations to the content.</p> <p>See Exhibit 2, Audible Magic’s “Copyright Compliance” webpage, <a href="https://www.audiblemagic.com/compliance-service/">https://www.audiblemagic.com/compliance-service/</a>, as visited on April 1, 2014 (emphasis added).</p> <p><b>User Generated Content Services</b></p> <p>Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more willing to license content and help you monetize your services when you implemented programs that respect copyrights. It also helps minimize legal problems.</p> <p><b>Turn to Audible Magic’s turnkey compliance and filtering solutions for highly accurate, automated copyright recognition (ACR) to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology.</b> Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic. This content is included in our Global Rights Registry™ that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content. Audible Magic services are often the prerequisite for licensing content. Enable content substitution, purchase link or allow advertising on user content identified by <b>content identification technology</b>. Add our metadata to enhance the user experience.</p> <p>See Exhibit 1, Audible Magic’s “Solutions – Compliance” webpage, <a href="http://audiblemagic.com/solutions-maincompliance.php">http://audiblemagic.com/solutions-maincompliance.php</a>, as visited on October 7, 2013 (emphasis added).</p>
<p>a first processor configured to create a plurality of reference signal abstracts for each one of a plurality of reference signals, wherein each one of said plurality of reference signal abstracts comprises signal</p>	<p>AM’s CCS includes a processor (it is obvious to anyone skilled in the art that a processor is used to execute the technology’s algorithms, “a first processor”) configured to generate fingerprints (“reference signal abstracts”) from content (“a plurality of reference signals”), wherein each fingerprint comprises “perceptual characteristics” (“signal characteristic parameters”) that accurately identify the content (are “configured to differentiate between other versions of that one of said plurality of reference signals”).</p> <p><b>Unparalleled Coverage</b></p>

<p>characteristic parameters configured to differentiate between other versions of that one of said plurality of reference signals;</p>	<p>Content owners from around the globe choose to register their content in Audible Magic's Global Content Registry for unparalleled coverage and protection. <b>When an operator issues a lookup request using Audible Magic's Compliance Service, a match occurs against this registry of reference fingerprints for copyrighted content.</b> To date, content owners have registered tens of million of titles making our registry one of the largest in the world.</p> <p><i>See</i> Exhibit 2, Audible Magic's "Copyright Compliance" webpage, <a href="https://www.audiblemagic.com/compliance-service/">https://www.audiblemagic.com/compliance-service/</a>, as visited on April 1, 2014 (emphasis added).</p> <p><b>Robust SmartID and CopySense Technology</b></p> <p><b>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "digital fingerprint-based" technology to accurately identify content using audio signals. Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques.</b> This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p><i>See</i> Exhibit 4, Audible Magic's "Technology Overview" webpage, <a href="http://audiblemagic.com/technology.php">http://audiblemagic.com/technology.php</a>, as visited on October 7, 2013 (emphasis added).</p>
<p>a reference database storing said plurality of reference signal abstracts;</p>	<p>AM's CCS includes a database called the Global Content Registry ("a reference database") for storing the fingerprints of the content ("said plurality of reference signal abstracts").</p> <p><b>Unparalleled Coverage</b></p> <p><b>Content owners from around the globe choose to register their content in Audible Magic's Global Content Registry for unparalleled coverage and protection. When an operator issues a lookup request using Audible Magic's Compliance Service, a match occurs against this registry of reference fingerprints for copyrighted content.</b> To date, content owners have registered tens of million of titles making our registry one of the largest in the world.</p> <p><i>See</i> Exhibit 2, Audible Magic's "Copyright Compliance" webpage, <a href="https://www.audiblemagic.com/compliance-service/">https://www.audiblemagic.com/compliance-service/</a>, as visited on April 1, 2014 (emphasis added).</p> <p><b>User Generated Content Services</b></p> <p>Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more</p>

	<p>willing to license content and help you monetize your services when you implemented programs that respect copyrights. It also helps minimize legal problems.</p> <p>Turn to Audible Magic’s turnkey compliance and filtering solutions for highly accurate, automated copyright recognition (ACR) to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology. Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic. <b>This content is included in our Global Rights Registry™ that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content.</b> Audible Magic services are often the prerequisite for licensing content. Enable content substitution, purchase link or allow advertising on user content identified by <b>content identification technology</b>. Add our metadata to enhance the user experience.</p> <p>See Exhibit 1, Audible Magic’s “Solutions – Compliance” webpage, <a href="http://audiblemagic.com/solutions-maincompliance.php">http://audiblemagic.com/solutions-maincompliance.php</a>, as visited on October 7, 2013 (emphasis added).</p>
<p>a device configured to determine if a query signal matches any one plurality of reference signals by comparing a query signal abstract of said query signal with at least one abstract of said plurality of reference signal abstracts stored in said reference database.</p>	<p>AM’s CCS includes a server or other computer (“a device”) configured to determine if a piece of unknown content (“a query signal”) matches the known content (“any one plurality of reference signals”) by comparing a fingerprint of the unknown content (“a query signal abstract of said query signal”) with the fingerprints of the known content (“at least one abstract of said plurality of reference signal abstracts stored in said reference database”).</p> <p><b>Broadcast Monitoring</b></p> <p>Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic’s Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is being used.</p> <p><b>The fingerprint technology uses very fast and fine-grained measurements of the content, which is then <u>matched</u> to a reference database of fingerprints to quickly identify the content as it is being broadcast.</b> This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property</p> <p>See Exhibit 14, Audible Magic’s “Broadcast Monitoring” webpage, <a href="http://audiblemagic.com/solutions-broadcast.php">http://audiblemagic.com/solutions-broadcast.php</a></p>

(emphasis added).

**Robust SmartID and CopySense Technology**

**Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "digital fingerprint-based" technology to accurately identify content using audio signals.** Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques. This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.

See Exhibit 4, Audible Magic's "Technology Overview" webpage, <http://audiblemagic.com/technology.php> (emphasis added).